

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge’s Report and Recommendation, Petitioner’s Objections to the Report and Recommendation (“Objections”), and the remaining record, and has made a *de novo* determination.

There is nothing in Petitioner’s Objections that would excuse Petitioner’s failure to exhaust his state court remedies. As such, the Court finds that the Objections lack merit for the reasons set forth in the Report and Recommendation.

Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and adopted;
2. Judgment be entered denying the Petition and dismissing this action without prejudice; and
3. The Clerk serve copies of this Order on the parties.

Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not shown that “jurists of reason would find it debatable whether”: (1) “the petition states a valid claim of the denial of a constitutional right”; and (2) “the district court was correct in its procedural ruling.” *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Thus, the Court declines to issue a certificate of appealability.

DATED: May 4, 2011

Christine A. Snyder

HON. CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE